

FILED BY *AC* D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

05 AUG 11 PM 4:24

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

LON ADELBERT PIERCE,

Petitioner,

vs.

DAVID MILLS,

Respondent.

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No. 05-2250-D/V

ORDER TRANSFERRING CASE PURSUANT TO 28 U.S.C. § 2241(d)

Petitioner Lon Adelbert Pierce, Tennessee Department of Correction ("TDOC") prisoner number 304581, an inmate at the West Tennessee State Penitentiary in Henning, Tennessee, filed a pro se petition pursuant to 28 U.S.C. § 2254 on April 1, 2005, along with an application seeking leave to proceed in forma pauperis. The Court issued an order on April 12, 2005 denying leave to proceed in forma pauperis and directing the petitioner to remit the habeas filing fee within thirty days. The petitioner's copy of that order was returned by the post office on May 3, 2005 because the mailing envelope did not include the prisoner's TDOC number. The Court issued an order on May 12, 2005 correcting the docket, directing the Clerk to mail the petitioner another copy of the April 12, 2005 order in a properly addressed envelope, and extending the time for

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compliance with the previous order. Petitioner paid the habeas filing fee on May 26, 2005.

Twenty-eight U.S.C. § 2241(d) provides:

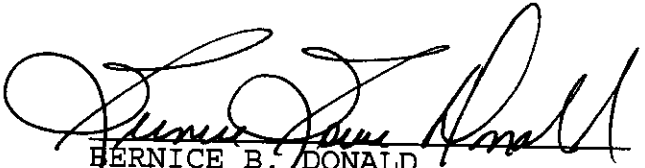
Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

It is the practice of the federal district courts in Tennessee that all § 2254 petitions are to be heard in the district in which the conviction was obtained.

In this petition, Pierce is challenging a conviction and sentence obtained in the Benton County Circuit Court. Benton County is in the Eastern Division of the Western District of Tennessee. 28 U.S.C. § 123(c)(1).

Therefore, it is hereby ORDERED, pursuant to 28 U.S.C. §§ 1406(a) and 2241(d), that this case is TRANSFERRED, forthwith, to the Eastern Division of the Western District of Tennessee.

IT IS SO ORDERED this 11th day of August, 2005.


BERNICE B. DONALD
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 6 in case 2:05-CV-02250 was distributed by fax, mail, or direct printing on August 16, 2005 to the parties listed.

Lon Adelbert Pierce
304581
P.O. Box 1150
Henning, TN 38041

Honorable Bernice Donald
US DISTRICT COURT